

**ENTERED**

March 09, 2023

Nathan Ochsner, Clerk

**IN THE UNITED STATES BANKRUPTCY COURT  
FOR THE SOUTHERN DISTRICT OF TEXAS  
HOUSTON DIVISION**

In re:

JUST ENERGY GROUP INC., et al.,

Debtors in a Foreign Proceeding.

JUST ENERGY TEXAS LP, FULCRUM RETAIL  
ENERGY LLC, HUDSON ENERGY SERVICES  
LLC, JUST ENERGY GROUP, INC., and  
LUMINANT ENERGY COMPANY LLC,

Plaintiffs and Plaintiff-Intervenor,

v.

ELECTRIC RELIABILITY COUNCIL OF TEXAS,  
INC., NRG ENERGY INC. and CALPINE  
CORPORATION,

Defendant and Defendant-Intervenors.

Chapter 15

Case No. 21-30823 (MI)

Adv. Pro. 21-04399 (DRJ)

**ORDER STAYING ADVERSARY PROCEEDING**

**WHEREAS** On July 19, 2022, the Court entered the Order Certifying Direct Interlocutory Appeal [ECF No. 226] (the “**Certification Order**”), which, among other things, certified for direct appeal to the United States Court of Appeals for the Fifth Circuit the Court’s decision and Order (the “**MTD Order**”) granting in part and denying in part ERCOT’s Motion To Dismiss Just Energy’s Second Amended Complaint;

**WHEREAS** on January 5, 2023, the Fifth Circuit issued an opinion finding that this Court’s “refusal to abstain under *Burford* was in error”; that “[a]bstention under *Burford* is proper”; and remanding the case to this Court “with instructions to determine the appropriate

trajectory of this case after abstention.” *Elec. Reliability Council of Tex., Inc. v. Just Energy Texas, L.P.*, 57 F.4th 241, 255 & n. 11 (5th Cir. 2023) (the “**Opinion**”).

**WHEREAS** during a status conference held on March 1, 2023, the parties agreed, and the Court ordered, that this adversary proceeding would be stayed pending further proceedings in Texas state court.

**IT IS HEREBY ORDERED THAT:**

1. This Court has reviewed and is bound by the Opinion and will abstain.
2. This adversary proceeding is STAYED pending a further request for relief by any party.
3. The Court retains jurisdiction to implement and interpret this Order and to entertain any applications for relief from this Order.

**Signed: March 09, 2023.**

  
**DAVID R. JONES**  
**UNITED STATES BANKRUPTCY JUDGE**

Form of Order Accepted By:

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